

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 02-466  
RE: JUDGE JOHN RENKE III

**THE FLORIDA JUDICIAL QUALIFICATIONS  
RESPONSE TO THE MOTION TO QUASH SUBPOENA  
FOR TRIAL OR FOR PROTECTIVE ORDER**

The Florida Judicial Qualifications Commission (the "JQC") hereby responds to the St. Petersburg Times' (the "Times") and Cary Davis' Motion to Quash Subpoena for Trial or for Protective Order ("Motion to Quash") as follows.

1. Carey Davis is a former journalist now in his second year of law school at the University of Florida.

2. As a reporter for the Times, Carey Davis covered the legal beat in Pasco County, including the New Port Richey courthouse, for at least four (4) years. He published numerous articles regarding Judge Renke, the 2002 campaign and the involvement of the Pasco County Republican Party in the 2002 judicial races.

3. On March 2, 2003, the Times published an article written by Carey Davis entitled "The Renke in the Robe."<sup>1</sup> (hereinafter the "Article").

4. The Article was published on March 2, 2003. Judge Renke was installed as a circuit court judge in January 2003. Judge Renke was interviewed

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<sup>1</sup> An abridged version of this same article subsequently appeared in the FSU Law Alumni Magazine under the title "Like father, like son? Not exactly, as John Renke, '95, takes the bench in Pasco County." A true and correct copy of the unabridged article is attached hereto as Exhibit A.

by Carey Davis for the article sometime after he assumed office, before Judge Renke received the JQC's notice of investigation which was served by mail on March 12, 2003. Thus, when Judge Renke met with Carey Davis in early 2003, Judge Renke had no reason not to speak freely and no reason to tailor his statements to avoid incriminating himself.

5. In his deposition testimony, Judge Renke confirmed that he was interviewed by Carey Davis for the article and made statements and provided information to Carey Davis which was accurately set forth therein.<sup>2</sup> Judge Renke Depo., pp. 146-147.

6. The statements and information in the article Judge Renke either denied providing to Carey Davis, testified were untrue or for which he was directly quoted are the following:

a. "In the first seven years of his legal career, he [Judge Renke] rarely ventured into the same New Port Richey courthouse where he now rules on family law cases, domestic violence injunctions and mortgage foreclosures." Exhibit A hereto, p. 2; Exhibit B hereto.

b. "Instead, he [Judge Renke] was a behind-the-scenes attorney at his father's law office" who was "intoxicated" by what he called the "theoretical enterprise" of the law. Id.;

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<sup>2</sup> A true and correct copy of pages 145-154 of Judge Renke's deposition testimony (hereinafter "Judge Renke Depo.") are attached hereto as Exhibit B.

c. Judge Renke “focused on the intellectual side of practicing law, not the art of courtroom rhetoric.” Id.; and

7. Judge Renke has denied that he “rarely ventured into “the Courthouse and disputed that he was a “backroom attorney” at “his father’s law office.” Judge Renke Depo., pp. 151-153.

8. Significantly, Judge Renke admits that it was accurate to say that he “didn’t fraternize with other lawyers at the courthouse” which the Article states immediately after saying that Judge Renke was “focused on the intellectual side of practicing law, not the art of courtroom rhetoric.” Id. Judge Renke admitted providing personal information to Carey Davis regarding his wife and marriage that were accurately set forth in the same article. Id., pp. 150-151.

9. Thus, Carey Davis’ testimony is essential to establish whether: (a) Judge Renke made admissions against interest to Carey Davis which are material to the charges and now flatly contradict the positions he has taken in this proceeding; (b) the disputed statements were true based on Carey Davis’ personal knowledge; and (c) Judge Renke testified falsely at his deposition or may subsequently do so at the final hearing regarding the statements he made to Carey Davis and the accuracy of the contents of the Article.

10. Under these circumstances, the qualified journalist immunity under § 90.5015, Florida Statutes, is readily overcome and Carey Davis must testify. The privilege “must yield” in this situation because “the demands of justice

compel a need for such disclosure.” Gold Coast Publications, Inc. v. State, 669 So. 2d 316 (Fla. 4th DCA 1996).

11. This qualified immunity should be construed in favor of disclosure because the privilege is in derogation of the search for the truth in a proceeding of great importance for the judiciary and the people of Florida. As the Third District Court of Appeal explained in Miami Herald Pub. Co. v. Morejon; 561 So. 2d 577 (Fla. 3d DCA 1990):

Whatever their origins, these exceptions to the demand for every man’s evidence are not lightly created or expansively construed, for they are in derogation of the search for the truth. The fact that journalists may be somewhat inconvenienced by having to appear in court or other related proceedings does not lessen their duty to testify.

561 So. 2d at 581 (quoting relying upon U.S. v. Nixon, 418 U.S. 683, 689 (1974)).

**THE LIMITED INQUIRY THE JQC SEEKS TO CONDUCT  
DOES NOT THREATEN ANY OF THE VALUES THE QUALIFIED IMMUNITY  
STATUTE IS INTENDED TO PROTECT**

12. The JQC does not and will not seek disclosure from Carey Davis of any sources (confidential or otherwise) other than Judge Renke. The JQC will limit its questioning to the four corners of the Article, Carey Davis’ personal knowledge regarding the statements made in the Article itself, and statements made and information provided to Carey Davis by Judge Renke, which were incorporated into the Article and the JQC will so stipulate.

13. Thus, there is no issue regarding (and no risk of disclosure) of confidential sources or confidential information. This greatly lessens any interest in precluding Carey Davis from testifying, and presents no risk of “chilling” the “news media constitutionally protected activities.” Motion to Quash, pp. 3-4 (citations omitted).

14. Indeed, given the issues here and the very limited scope of the examination of Carey Davis the JQC seeks to conduct at the final hearing, there can be no reasonable claim that permitting such testimony could conceivably impair “the public interest in the maintenance of a vigorous, aggressive and unfettered debate over controversial matters, an interest which has always been the principal concern of the First Amendment.” Id., (quoting New York Times v. Sullivan, 376 U.S. 254 (1964)).

15. There are “no confidential sources involved in the case which may dry up if revealed,” Morejon, 561 So. 2d at 581 and no risk that confidential sources or confidential information will be revealed. In Morejon, the reporter was ordered to testify regarding his eyewitness observations of an illegal arrest because it was relevant and material and there were no other eye witnesses. A situation very analogous to the circumstances here; Carey Davis is the only source and there is no risk of revealing confidential sources or chilling ongoing means gathering. Id.

16. In Goldcoast Publications, supra, the Fourth District Court of Appeal required a reporter to testify and disclose information obtained during an interview for a news article. The Court did so because, as here, the “source of the information was known by all who read the article” and under such circumstances no persuasive claim for the protection” can be made. 669 So. 2d at 318. Thus, the Gold Coast court concluded that the privilege “must yield,” where as here, “the demand of justice compel a need for such disclosure. Id. (quoting Waterman Broadcasting of Florida, Inc. v. Reese, 523 So. 2d 1161 (Fla. 2d DCA 1988 (need for testimony outweighed interest in protection of the press where it was relevant, material, there were no alternate to obtain it and the state interest in disclosure was compelling))).

**THE JOURNALISTS’ QUALIFIED IMMUNITY MUST YIELD  
TO THE INTERESTS OF JUSTICE PURSUANT TO § 90.5015**

17. This is an issue of Florida law, not federal law, under § 90.5015, Florida Statutes. Thus, all of the federal authority relied upon in the Motion to Quash is not controlling, and there is no claim that the subpoena must be quashed under controlling federal law.

18. The qualified immunity granted by § 90.5015 is overcome upon a “clear and specific showing” that:

- a. The information is relevant and material to unresolved issues that have been raised in the proceeding for which the information is sought;
- b. The information cannot be obtained from alternative sources;

and

c. A compelling interest exists for requiring disclosure of the information.

§ 90.5015(2), Florida Statutes.

19. Applying these criteria, it is manifest that the journalists' qualified immunity must yield, as explained in detail above.

**The Information is Relevant and Material  
to Unresolved Issues in this Proceeding**

20. The Second Amended Formal Charge No. 6 and 7 allege:

During the campaign in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented your experience as a practicing lawyer and thus your qualifications to be a circuit court judge. In the Candidate Reply you authored which was published by and in the St. Petersburg Times, which is attached hereto as Exhibit C, you represented that you had "almost eight years of experience handling complex civil trials in many areas." This was knowingly false and misleading because in fact you had little or no actual trial or courtroom experience.

During the campaign in violation of Canon 7A(3)(a) and Canon 7(A)(3)(d)(iii), you knowingly and purposefully misrepresented your experience as a practicing lawyer and thus your qualifications to be a circuit court judge, as well as your opponent's experience, by asserting in a piece of campaign literature, which is attached hereto as Exhibit D, that your opponent lacked "the kind of broad experience that best prepares someone to serve as a Circuit Court Judge" and represented to the voting public that the voters would be "better served by an attorney [like you] who has many years of broad civil trial experience." This was knowingly false because your opponent had far more experience as a lawyer and in the courtroom and in fact you had little or no actual trial or courtroom experience.

21. Obviously, whether Judge Renke “was a behind the scenes attorney at his father’s law office” who “rarely ventured into the courthouse” and did not focus “on the art of courtroom rhetoric,” or alternatively an attorney “with almost eight years of experience handling complex civil trials” who was more qualified than his much older opponent because of his “many years of broad civil trial experience,” is obviously highly relevant and material to Second Amended Formal Charge Nos. 6 and 7.

22. Equally obviously, if Judge Renke testified falsely at deposition or testifies falsely regarding these matters at the final hearing and he can and should be impeached by Carey Davis’ testimony. Thus, this testimony is relevant and material on Judge Renke’s veracity and credibility independent of its relevant and materiality under the formal charges quoted above. Accordingly, there are two “clear and specific” separate and independent grounds to conclude that the requirement of § 90.5015(2)(a) is satisfied. See e.g., News-Journal Corp. v. Carson, 741 So. 2d 572 (Fla. 5th DCA 1999).

### **The Information Cannot Be Obtained From Other Sources**

23. Carey Davis is the only source that can establish whether Judge Renke made admissions against interests (or admissions by a party opponent) when he was interviewed by Carey Davis after his installation as Judge but before any notice of the JQC proceeding was given, which now materially



contradict his campaign representations and the positions he has taken in this proceeding.

24. Although it might be possible to show that Judge Renke had no real trial experience prior to the 2002 campaign, it is not possible to obtain these critical admissions the JQC believes were made by Judge Renke to Carey Davis from any other source.

25. Even more importantly, no other source can establish whether Judge Renke testified falsely in his deposition regarding these matters or whether Judge Renke has done so at the final hearing when he testifies as an adverse witness in the JQC's case-in-chief.

26. Accordingly, there is no other source that can establish Judge Renke's admissions, and absolutely no other source that can impeach his testimony on these crucial matters since Carey Davis was the only witness to Judge Renke's statements incorporated into the Article. Morejon, supra.

**A Truly Compelling Interest  
Requires Disclosure of the Information**

27. As explained in detail above, Carey Davis' testimony goes to the heart of Second Amended Formal Charge Nos. 6 and 7. Even more compellingly, it goes directly to the ultimate issue of Judge Renke's credibility, honesty and integrity.

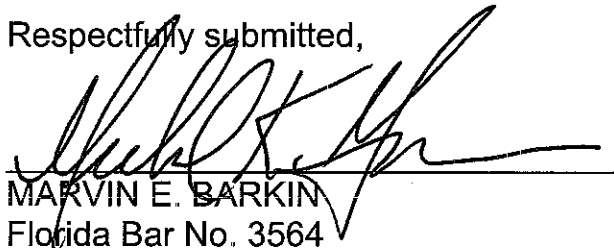
28. Thus, § 90.5015(2)(c) is "clearly" and "specifically" satisfied because Florida can have no more compelling state interest than in ensuring the honesty

and integrity of its judiciary. "There can hardly be a higher governmental interest than a State's interest in the integrity of its judiciary." Landmark Communications, Inc. v. Virginia, 435 U.S. 829, 848 (1978). Accord Cox v. Louisiana, 379 U.S. 559, 565 (1965). Indeed, Florida's overriding, compelling interest in a fit, fair, impartial judiciary is beyond dispute. See Mistretta v. U.S. 488 U.S. 361, 407 (1989); Mayberry v. Pennsylvania, 400 U.S. 455, 469 (1971).

### **CONCLUSION**

29. The Motion to Quash should be denied, and Carey Davis required to testify within the limited scope of examination sought by the JQC because controlling Florida law and the interests of justice so require.

Respectfully submitted,



MARVIN E. BARKIN

Florida Bar No. 3564

MICHAEL K. GREEN

Florida Bar No. 763047

TRENAM, KEMKER, SCHARF, BARKIN

FRYE, O'NEILL & MULLIS, P.A.

2700 Bank of America Plaza

101 East Kennedy Boulevard

Post Office Box 1102

Tampa, Florida 33601-1102

(813) 223-7474 (Telephone)

(813) 229-6553 (Fax)

Special Counsel for

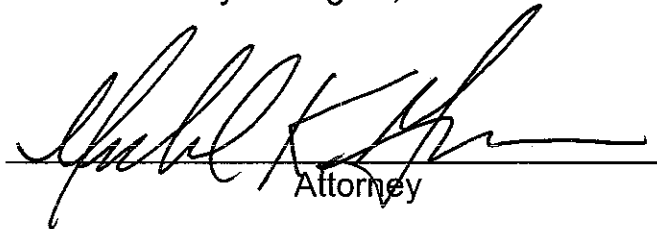
Florida Judicial Qualifications Commission

and

Thomas C. MacDonald, Jr.  
Florida Bar No. 049318  
General Counsel  
Florida Judicial Qualifications Commission  
1904 Holly Lane  
Tampa, FL 33629  
(813) 254-9871 (Telephone)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing Response to the Motion to Quash Subpoena for Trial or for Protective Order has been furnished by U.S. Mail to **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, Florida 33602-4163 and **Alison M. Steele, Esquire**, Rahdert, Steele, Bryan, Bole & Reynolds, P.A. 535 Central Avenue, St. Petersburg, Florida 33701 this 22nd day of August, 2005.

  
Attorney

# St. Petersburg Times ONLINE PASCO COUNTY



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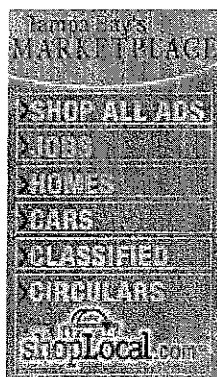
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## The Renke in the robe

A politician's son, once an unknown commodity in the courtroom, presides with openness and empathy.

By CARY DAVIS, Times Staff Writer

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published March 2, 2003

### John Renke

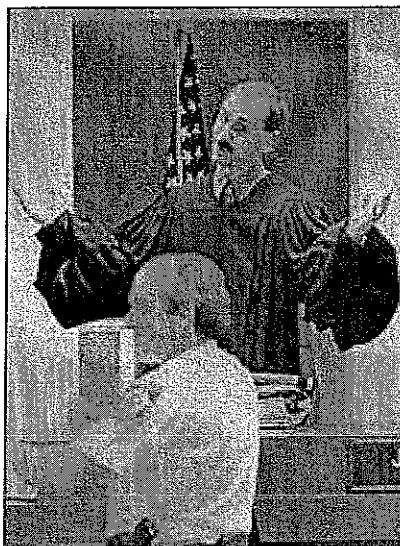
In Pasco County, people associate the name with bulldog politics. Conservative ideology. Power-brokering.

The image may not bring to mind attributes like empathy and impartiality. Modesty and tranquility. Openness. Yet they also describe John Renke.

Not the John Renke best known as a three-term state representative who rose to become the Republican Party's minority leader in Tallahassee. The other John Renke. The politician's son.

Pasco-Pinellas Circuit Judge John Renke III.

Just 33 years old, he is the youngest circuit judge in Florida. Renke was elected last September in a bitterly



[Times photo: Brendan Fitterer]  
Pasco-Pinellas Circuit Judge John Renke III discusses the new experience of presiding over domestic violence hearings with bailiff William Flehigan.

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contested race, his long-shot bid propelled by his father's deep connections and a clever campaign strategy.

He took the bench in January as an unknown commodity. In the first seven years of his legal career, he rarely ventured into the same New Port Richey courthouse where he now rules on family law cases, domestic violence injunctions and mortgage foreclosures.

Instead, he was a behind-the-scenes attorney at his father's law office. He spent his time intoxicated by what he calls "theoretical enterprise" -- preparing complex cases on the cutting edge of property, contracts and constitutional law.

Now, newly entrusted with the responsibility of meting out justice, Renke finds himself squarely in the public spotlight. He knows the perception is out there: That he isn't ready for this, doesn't deserve it, and only got here because of his father. That he's probably just a chip off the old block.

But it would be wrong to assume Judge Renke is just a junior version of his 57-year-old father.

In fact, say those who know him best, if Renke takes after anybody, it is his mother, Margaret.

"The empathy comes from her," said his sister, Christina Mendoza, who's also a lawyer. "That's why he approaches the world with such openness and curiosity. He has a real connection with people."

State Sen. Mike Fasano, a longtime friend of the Renke family, said: "John Jr. is not his father's son. He is much more like his mother, very laid back. . . . He doesn't take things personally.

"He will make a great judge," Fasano said. "He's a great listener who takes time to deliberate. He won't just react."

\* \* \*

The law brought the Renkes to Florida. John Renke III was just a fourth-grader when his father, then a lawyer in Detroit, came to Florida to take a deposition. He left an ice storm in Michigan and hours later stepped off

**gunpoint**

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► Letters: Courage may end developers' free ride

ride

► Jan Glidewell: Avoid large crowds or boogie by the exit

the plane into the warm Florida sunshine. The Michigan winter couldn't compete with 78 degrees.

The family moved to New Port Richey.

John Renke II built a successful civil practice in town and became active in local Republican circles. In 1984, he ran for the state House and won.

As the father moved quickly up through the Republican ranks in Tallahassee, the son was growing into a well-rounded teen at Ridgewood High School. He excelled in the classroom and on the athletic field, lettering in football, soccer and tennis. He once played a singles match against Jim Courier. He played guitar in a band. And he met a California girl named Michelle Paski, who would later become his wife.

He went on to the University of Florida, where he studied history, archaeology, French literature. These days, when he reads a French novel, he doesn't bother with the translation. He reads it in the original French.

He and Michelle got married at Disney World. After graduation, they moved to Tallahassee, where Renke had been accepted to law school at Florida State University.

Most law students spend all their time studying. Renke did plenty of that, enough to graduate with honors. But he had another responsibility in law school: In his second year, he and Michelle had their first child, Ian. A daughter, Hannah, would follow three years later.

Renke said he never really considered joining a large firm, where young lawyers make big bucks but pay a heavy price. He didn't want to work 80 hours a week, researching cases in a library and competing against other ambitious lawyers to see who would make partner. The money wasn't that important.

So after he graduated from law school in 1995, he went to work for his father's small firm. There he'd work for days, even weeks, on a single brief, turning out 50 pages of complex legal arguments. He focused on the intellectual side of practicing law, not the art of courtroom rhetoric. He didn't fraternize with other lawyers at the courthouse.

"I enjoyed the mental exercise," he said, "coming up

with a cogent argument."

\* \* \*

Working for his father gave Renke the flexibility to spend time with his family. Donning the black robe of the judiciary hasn't changed that. He still coaches his son's soccer team, still takes the family to Bob Evans for dinner after games, still gets out his boat on weekends and goes fishing with the kids in the gulf.



[Times photo: Joseph Garnett Jr.]  
Renke coaches his son's soccer game in February

A recent night found Renke slouched on a couch in his living room, his wife beside him and the family's two black Labrador retrievers, Wyatt and Winnie, stretched out on the floor. Ian, 9, watched a European soccer match on television.

The smell of dinner -- takeout from Sonny's Real Pit Bar-B-Q -- filled the house. Renke's acoustic guitar rested in a stand in the living room, next to a computer he built himself. A workbench in the garage was covered with parts for another computer.

Renke makes \$133,250 as a judge, more than twice the yearly salary he earned working for his father. But he still lives in the same three-bedroom house in River Ridge, still drives the same blue 1992 Lincoln Continental he inherited from a great aunt. He still wears the same wrinkled khaki pants to work. And he still eats whatever Michelle packs him for lunch; he gets the same thing as the kids, usually a peanut-butter-and-jelly sandwich, a piece of fruit and a mint.

"He's the same old guy," said Michelle, who still teaches at Genesis Preparatory School.

\* \* \*

Last summer, the Renkes nearly bought a bigger house. Thanks to a couple of big settlements the firm had just won, the family could have afforded the house Michelle already had picked out.

Or John could run for judge.

Over dinner at Applebee's, John and Michelle weighed their options. John wavered, so Michelle cast the deciding vote. The new house could wait.

John entered the race and loaned himself \$95,000 to finance his campaign.

The circumstances were perfect for a run for office. The only other candidate in the race, Declan Mansfield, was a Pasco lawyer. That was significant because voters in both Pinellas and Pasco decide elections for local circuit judgeships.

Mansfield is a well-known attorney in Pasco, but Renke figured he could win by carrying Pinellas. To accomplish that, he knew he needed to outwork Mansfield in Pinellas. He would also rely on a savvy campaign manager -- his father -- to help shoulder the workload. The elder Renke may be a decade removed from the Legislature, but as the elected Republican committeeman in Pasco, he's still heavily involved in politics. His name and influence undoubtedly brought in more than a few votes.

Judicial canons prohibit candidates from aligning themselves with political parties. Renke III had to step down from the Pasco Republican Executive Committee when he filed to run. He also resigned from the governing board of the Southwest Florida Water Management District, a post to which he was appointed by Gov. Jeb Bush in 1999.

Family members, on the other hand, are not bound by the same strict rules that govern candidates.

On election night, Renke split the Pasco vote with Mansfield.

He carried Pinellas by more than 10,000 votes.

\* \* \*

The grumbling from local lawyers began immediately. There was talk of politics soiling the image of an impartial judiciary. Would politics affect the new judge's decisions?

Even at judge's school in Tallahassee, Renke had to answer questions about the campaign.



His first day at the school, in early January, he presided over a mock trial, designed to test the ability of new judges to deal with difficult courtroom situations. Sitting judges, including one from Pinellas, acted the parts of attorneys, witnesses, jurors.

Before the trial began, a man playing a criminal defense lawyer stood up and challenged Renke. He was concerned, he said, by Renke's campaign literature drawing attention to Mansfield's specialty as a criminal defense lawyer.

"It was kind of hinted or suggested that you've never represented criminal defendants," he said, "and I just want some assurance from you that you can be fair to me and my client."

Renke replied calmly, "Absolutely, I can assure you that I have impartiality in my heart and my mind."

The next week, Renke took the bench for the first time. Ever since, the grumbling from local attorneys has started to die down.

Maybe it has something to do with Renke's accommodating, easy-mannered style. He is articulate and prone to philosophical musings, but he is not arrogant. He doesn't have "robe-itis" -- the term used to describe judges who acquire a holier-than-thou attitude. He doesn't even wear his robe when conducting hearings in his chambers. He never raises his voice, even when admonishing litigants. He projects a calmness that sets people at ease. He's not afraid to ask advice from attorneys, bailiffs, court clerks, even other judges.

"I want to earn people's respect," he said. "And that means treating people with respect."

One day in January, during a full calendar of domestic violence hearings, his ruling brought a man to tears. The ruling meant the man, who was accused of striking his girlfriend, could not see his son.

"I want to see my son!" the man shouted in between sobs. "Please don't do this."

Other judges, facing such a busy docket, may have had the man escorted from the courtroom. Renke started asking more questions.

"I want to do what's best for the child," Renke said. A few minutes later, Renke found a solution acceptable to both the man and his girlfriend.

"I wish you both well," the judge said.

\* \* \*

If lawyers still have questions about him, Renke says they don't show it in his presence.

"People may still harbor their beliefs," he said. "And that's fine. There's nothing I can do about it. You can either choose to be constructive or destructive."

As for people who assume he's just like his father, or that he's some kind of puppet for the GOP, Renke says, "There are always going to be detractors. But not everybody is that naive. They realize that people are individuals. I give the general public a little more credit."

And if people want to equate him with his father, Renke isn't concerned. He doesn't need to prove he's a different man.

"I'm proud of everything my father has done," he said. "He's my father. I'm never going to get away from that. And I don't want to. I was blessed to have a father like him."


Renke said he wants to win people over with his work on the bench. Then, he said, "People may not think I'm the beast they envisioned. I'm not just a creature of someone else's making."

\* \* \*

The elder John Renke is a gifted, forceful public speaker. He has made a living arguing high-stakes cases in state and federal courtrooms. He has debated Florida's most pressing issues on the floor of the state House. But when it came time to introduce his son at an investiture ceremony last month, emotion got the best of him. Tears welled in his eyes as he put on his glasses and began, softly. His voice cracked.

"He's the best son a man could ever have."

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1 working up and litigating prior to trial, but your actual  
2 trial experience was more limited?

3 A. Yes.

4 Q. Okay. So that's the truth, is it not?

5 A. As I testified maybe 10 minutes ago, I've had a  
6 handful of actual trials. That's all the entire law office  
7 has had.

8 Q. But your principal role, in your eight years  
9 with your father, was working up and litigating prior to  
10 trial, not trying the cases. Is that a fair statement?

11 A. No, that's not a fair statement.

12 Q. It's not?

13 A. Whatever cases that went to trial, I was  
14 involved in. The reality is over 90-something percent of  
15 civil trials settle.

16 Q. Well, what cases went to trial for your  
17 father's law firm and were actually tried during the time  
18 you were there?

19 A. I'm trying to think. And I saw it here  
20 earlier. The *Sidney* case. That was the federal case here  
21 in Tampa. There was the -- and I can't remember the name.  
22 There was a personal injury case. As I've indicated, there  
23 was the vertical blinds case in county court. And  
24 certainly at a summary judgment motion, whether you  
25 consider that a trial or not, it is cutting short. We've



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1 had a number that were pretty well litigated at a summary  
2 judgment motion. I can't think right now of all the cases,  
3 but it was a handful, as I said. It was not a great number.

4 Q. Right. But certainly in the cases that your  
5 father's firm tried, you appeared and were there at the  
6 trials?

7 A. I think without exception, yes, sir.

8 Q. All right. Now, let me direct your attention  
9 to an article that apparently appeared -- I got it from the  
10 FSU Alumni Association, and I'm an FSU alumni myself.

11 A. Okay. Yes, sir.

12 Q. But this is apparently an article that was --  
13 it's a reprint of an article from the *St. Petersburg Times*  
14 about you.

15 A. Yes, sir.

16 Q. Okay. And if you look at the second page, I  
17 mean, that's not a great picture, but it's decent. I mean,  
18 given what newspaper pictures are like.

19 All right. Now, do you recall speaking with  
20 Cary Davis, the author of this article, and providing her  
21 any information about yourself?

22 A. He.

23 Q. Is it a he? I'm sorry.

24 A. Yes.

25 Q. Okay. So, you did talk to him?

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1 A. Providing him, yeah.

2 Q. Okay. I didn't know if it was a --

3 A. Yeah. It's a gentleman.

4 Q. All right. Now, so, in your candidate reply,  
5 you represented you had all this complex trial experience  
6 and you've now just testified that you were at all of your  
7 father's trials. But in early 2003, it appears you  
8 represented to the *St. Pete Times*, specifically Cary Davis,  
9 that, quote, you rarely ventured into the courthouse, but  
10 were, quote, instead a behind-the-scenes attorney at your  
11 father's law office.

12 A. I represented --

13 MR. TOZIAN: Object to form.

14 Q. (By Mr. Green) Well, I mean, that's what the  
15 article says. Take a minute and look at it. Do you see  
16 what I'm talking about?

17 A. You have it underlined. Do I agree with that?  
18 Absolutely not.

19 Q. All right. So what you're saying, then, is  
20 that Cary Davis, she made it up or she's misrepresenting  
21 what you told her?

22 MR. TOZIAN: Object to form.

23 A. (By the Deponent) I have no idea. Made a  
24 mistake. I don't know. Talked to other people that didn't  
25 know? Possibly. Do I have an explanation for Mr. Davis?



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1 No. Is that accurate? No.

2 Q. All right. So that when this article says that  
3 you stated that you rarely ventured into the courthouse,  
4 that's false?

5 MR. TOZIAN: Object to the form.

6 Q. (By Mr. Green) Is it true or not that you  
7 rarely ventured into the courthouse before you became a  
8 judge?

9 A. The first question says nothing about I stated  
10 that. But secondly, no, it isn't true. I was at the  
11 courthouse.

12 Q. All right. But according to Cary Davis, you  
13 rarely ventured into the courthouse.

14 A. Where he got that information, I haven't a  
15 clue. I never told him that.

16 Q. All right. So what you're saying is that  
17 that's a false statement then?

18 A. Well, it's false or it's inaccurate.

19 Q. Well, I mean, did you or did you not rarely  
20 venture into the courthouse?

21 A. And that I was a behind-the-scenes attorney --

22 Q. Well, no. Let's just take one at a time.

23 MR. TOZIAN: Listen to the question.

24 A. (By the Deponent) *He rarely ventured into the*  
25 *same New Port Richey courthouse where he now rules. . . I*



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1 went as frequently as our practice needed, but it was not  
2 rarely. I would say no, sir.

3 Q. All right. So then you're saying that this  
4 statement is false. To describe your activity as rarely  
5 venturing into the courthouse is wrong, is false.

6 A. Well, it's semantic. It's inaccurate. I don't  
7 agree with it.

8 Q. All right. Now, was it accurate for him to say  
9 that you were, quote, instead a behind-the-scenes attorney  
10 at your father's law office?

11 A. Again, I don't know what his intent was, but  
12 bottom line, whatever went to trial, I was there. Whatever  
13 hearings were required, I was there. So whatever the  
14 nature of our practice -- we didn't have daily reasons to  
15 be at the courthouse. If that's what frequent or less than  
16 rare means, then we weren't there daily. But whenever it  
17 was needed, I was there.

18 Q. All right. Now, you would admit, though, that  
19 in general, this is almost a favorable puff piece about  
20 you. I mean, obviously in this context, it doesn't help  
21 you, but in general, if there was no JQC proceeding, this  
22 wouldn't be a negative article.

23 A. I don't know that I could agree to that.

24 Q. Well, take a minute and read it.

25 A. No, no. Your statement that that's a puff

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1 piece --

2 Q. By a puff piece, I mean it's reasonably -- it's  
3 not a hatchet job on you.

4 A. I don't look at anything as --

5 Q. Well, maybe my language is too colorful. You  
6 would agree that absent the issues that you're now faced  
7 with in the JQC proceeding, if the JQC proceeding did not  
8 exist and there were no allegations that were related to  
9 some of the statements in this article, would you or would  
10 you not agree that this is a relatively favorable article  
11 about you?

12 A. I don't know that I could agree or -- it's just  
13 an article about me. I'll agree to that. I don't know  
14 whether you characterize it as --

15 Q. All right. Well, you're smiling on the second  
16 page.

17 A. Right. When asked to do a picture, I --

18 Q. Did you give them the picture?

19 A. I don't know if I gave it to them or if they  
20 asked to take it.

21 Q. Okay. How would Cary Davis have known that you  
22 and Michelle got married at Disney World?

23 A. I presume in sitting and talking with us.

24 Q. Right. And so the information that's in this  
25 article came from your discussions with Cary Davis, correct?



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MR. TOZIAN: Object to form.

A. (By the Deponent) Inaccurate.

Q. Did you ever talk to Cary Davis?

A. Yes, sir.

Q. All right. And you talked to Cary Davis about the matters that were subsequently set forth in this article?

A. Some of them. Yes, sir.

Q. All right. So did you get married at Disney World?

A. Yes, sir.

Q. And after graduation, did you move to Tallahassee?

A. Where I went to law school, correct.

Q. Okay. So, but, as you sit here today, you're saying that you did not indicate to Cary Davis that you, quote, rarely ventured into the courthouse?

A. I don't recall ever making a statement like that. I don't think I would agree with that.

Q. All right. And you didn't describe yourself to Cary Davis as a, quote, behind-the-scenes attorney at your father's law office?

A. I don't think I used those terms. I'm not positive of that, but I would not characterize myself now as that.

MR. GREEN: Let's make this exhibit -- what are



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1 we up to?

2 COURT REPORTER: J.

3 (JQC Exhibit J so marked).

4 Q. (By Mr. Green) Okay. Now, that article also  
5 indicates that you were a behind-the-scenes lawyer your  
6 whole time in practice and that you did not focus on the  
7 art of, quote, courtroom rhetoric. Was that an accurate  
8 statement?

9 MR. TOZIAN: Where is that, sir?

10 MR. GREEN: It's. . . you've got my copy.

11 Q. (By Mr. Green) Okay. It's on Page 2, just  
12 above the three plus signs. It says: So after graduating  
13 from law school in 1995, he, being of course Judge Renke,  
14 he went to work for his father's small firm. There he  
15 worked for days, even weeks on a single brief, blah, blah.  
16 He focused on the intellectual side of practicing law, not  
17 the art of courtroom rhetoric.

18 Is that a fair statement?

19 A. I don't know what that means, to tell you the  
20 truth. I don't think that's a statement that would have --  
21 I don't recall ever making --

22 Q. That's not a statement that you made to  
23 Cary Davis?

24 A. I don't recall making any statement like that.

25 Q. Did you make statements from which one could



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1 reasonably infer that you didn't focus on the art of  
2 courtroom rhetoric?

3 A. I don't know. Maybe I indicated what I enjoyed  
4 more, but I don't know --

5 Q. And it also says that you didn't fraternize  
6 with other lawyers at the courthouse. Is that accurate?

7 A. I think that would probably be fairly accurate.  
8 I was there to do a job and then I would go back and work.  
9 Yes, sir.

10 MR. GREEN: Off the record.

11 (Off-the-record discussion).

12 Q. (By Mr. Green) All right. Let me next direct  
13 your attention to Exhibit D to the Formal Charges. Now,  
14 just as an aside, were you trying to call Mr. Mansfield a  
15 dog in this one?

16 A. No, sir.

17 Q. I'm sorry. The Notice of Formal Charges is  
18 Exhibit D. You weren't trying to call Mr. Mansfield a dog,  
19 were you?

20 A. No, sir.

21 Q. Okay. All right. Now, if you look at Exhibit  
22 D, which I -- well, I refer to it as the dog flyer, but  
23 that might be polemical. We don't have to call it that.  
24 We'll just call it Exhibit D.

25 A. Yes, sir.



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1 Q. All right. In Exhibit D to the charges, this  
2 is a campaign flyer that your campaign distributed, correct?

3 A. I believe so. Yes, sir.

4 Q. Okay. Now, in that flyer, you say that you  
5 were a better choice than your opponent, Mr. Mansfield.

6 A. Yes, sir. I believed that at the time. Yes,  
7 sir.

8 Q. Okay. And that you were a better choice than  
9 your opponent because you had, quote, many years of broad  
10 civil trial experience in the courtroom, end quote, and  
11 more trial and courtroom experience than your opponent.  
12 Now, let's take them one at a time.

13 First of all, is it true to say -- was it true  
14 to say that you had many years of broad civil trial  
15 experience in the courtroom?

16 A. And again, I think rather than getting into, as  
17 you said, semantics or polemics, trial may have been  
18 inappropriate. Civil litigation experience.

19 Q. Okay. So, this should have said broad  
20 litigation experience in the courtroom. That would have  
21 been accurate?

22 A. I think so, yes, sir.

23 Q. But to say civil trial is not accurate.

24 A. Well, I don't know if -- again, it's  
25 definitional. If trial experience is as you have limited

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